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PART I.

IMPORTANT GOVERNMENT ORDERS.

CHIEF SECRETARIAT.

Administration of Criminal Justice in Mysore, for the year 1930-31.

READ—

Report on the Administration of Criminal Justice in Mysore, for the year 1930-31, received from the Registrar, High Court, with his letter No. P. 39, dated 7th November 1931.

ORDER No. P. 4218-26—CTS. 93-31-4, DATED 28TH JANUARY 1932.

Recorded.

Offences Reported.—The total number of offences reported during the year under review was 21,216 against 18,319 in the previous year, showing an increase of 2,897. There was a corresponding increase in the number of cases returned as true, *viz.*, 19,771 against 17,574. Including 10,345 persons pending trial at the close of the previous year, the number of persons brought to trial rose from 39,143 to 42,783. Of these the cases against 31,731 persons were disposed of, the percentage of disposal being 74 against 73 in the previous year. The total number of persons convicted was 9,855 and those acquitted or discharged 20,739 persons, the respective percentages being 31·0 and 65·3 as against 25·1 and 71·9 in the previous year. At the close of the year the cases against 11,052 persons were pending. The percentage of persons awarded short terms of imprisonment rose from 24 to 26. It is satisfactory to note that the provisions of Section 562 Criminal Procedure Code continued to be used to an appreciable extent, the number dealt with thereunder being 400 against 223 in the previous year. Of the persons so dealt with 69 were juvenile offenders.

Bench Courts.—Seven Bench Courts were abolished during the year bringing down the number of Bench Courts working at the end of the year to 35. Out of 6,713 cases before the Bench Courts 5,455 cases were disposed of, the percentage of disposal

being 81 per cent against 80 per cent in the previous year. The average duration of cases before these courts fell appreciably from 59·26 days in the previous year to 42·76 days in the year under review.

Work of Special Magistrates.—Out of 14,476 cases for disposal, 11,696 cases or 80 per cent, were disposed of as against 9,684 or 79 per cent, in the previous year. The average duration again rose from 57·46 days to 66·86 days. This is said to be due to the increase of work of the Special Magistrates consequent on the abolition of seven Bench Courts. It is hoped that with proper adjustment of the work and judicious posting of cases, the high average duration will be appreciably reduced.

District Magistrates' Courts.—The District Magistrates disposed of 29 out of 34 regular cases.

Witnesses.—Out of 58,108 witnesses who appeared before the Magistrates' Courts, 45,325 or 78 per cent were examined as against 45,601 or 74·9 per cent, in the previous year. No witness was detained for over three days in any of the Magistrates' Courts.

Itineration of Magistrates.—The scheme of itineration was extended to four more places during the year under review, and to Koppa on 1st July 1931. It is reported that the scheme has facilitated the quick disposal of cases and saved time and money to the public and the Government in the Police Department.

Combination of Civil and Magisterial Functions.—The scheme of investing Munsiffs with Magisterial functions was further extended to the Courts of the Munsiff of Dodballapur and the Second Munsiff, Mysore, and is reported to be working well. Government will be glad if the amalgamation of Civil and Criminal Courts is carried out also in other places where it may be found practicable.

Sessions Cases.—Including 17 cases involving 41 persons pending from the previous year, there were for disposal 129 cases involving 312 persons. Of these, 117 cases involving 287 persons were disposed of as against 97 cases involving 210 persons in the previous year, leaving 12 cases involving 25 persons pending at the end of the year. One thousand eight hundred and sixteen witnesses were examined and the number detained for over three days was 295. The average duration of Sessions cases rose from 46·18 to 52·60 days, the rise being appreciable in the Bangalore Division due to heavy Sessions work during the year under review.

Eighteen cases were tried by jury and the verdicts were approved in 17 cases.

Appellate Work.—Out of the appeals of 1198 persons, those of 807 persons were to Sessions Courts and those of 391 to Magistrates. The Sessions Judges disposed of the appeals of 537 persons and the Magistrates of those of 346. The appeals disposed of by District Magistrates were 134 in number. At the end of the year, 171 appeals involving 315 persons were pending. The average duration of appeals in Sessions Courts again rose appreciably, *viz.*, from 67·32 days, to 108·8 days, those in the Bangalore and Shimoga Sessions Courts being as high as 185·4 days and 145·3 days. This rise is said to be due partly to the Sessions work of the two District Judges outside their Headquarters. In the case of the Bangalore Division it is also attributed to heavy congestion of work and to the inadequate relief in this respect afforded by the establishment of the Additional Sessions Court in Bangalore. It is hoped that the question of minimising delay in the disposal of criminal appeals in these Courts will receive the early consideration of the High Court.

High Court.—Including 36 appeals pending from the previous year, the total number of appeals for disposal before the High Court was 89, against the same number in the previous year. Sixty-five appeals were disposed of leaving 24 pending. In 33 appeals or 50·8 per cent, the decisions of the Lower Courts were not accepted. The average duration of appeals disposed of fell from 159·05 to 149·2 days.

Inspection.—The Chief Justice and the other Judges of the High Court inspected 26 Courts. The District Magistrates inspected almost all the Subordinate Courts in their Districts.

N. MADHAVA RAO,
Chief Secretary to Government.

Administration of Civil Justice for the year 1930-31.

READ—

The report on the Administration of Civil Justice in Mysore, during the year 1930-31, received from the Registrar, High Court, with his letter No. P 37, dated 6th November 1931.

ORDER NO. P. 4281—CIS. 91-31-3, DATED 1ST FEBRUARY 1932.

Recorded.

The total number of Civil Courts under the High Court at the close of the year was 34, consisting of four District Judges' Courts including one temporary, three Subordinate Judges' Courts, one Small Cause Court, two Additional Subordinate Judges' Courts and 24 Munsiffs' Courts. In order to give relief to the District Judge, Bangalore, an additional District Judge's Court was established temporarily at Bangalore for one year from 15th October 1930. Its term has since been extended till the commencement of the vacation of 1932. There were in addition 190 Village Munsiffs' Courts of which only 90 actually worked.

The work of the Village Courts has been separately reviewed.

Original Work.—There was a slight increase of 1·7 per cent in the number of suits instituted, which rose from 37,583 to 38,238, the increase being contributed by the Bangalore and Shimoga Divisions.

Including 19,178 suits pending from the previous year and those refiled and remanded and excluding the suits transferred from Court to Court, there were in all 58,468 suits for disposal of which 28,626 were ordinary and 29,842 small cause suits. Of these, 39,899 suits, as against 38,779 in the previous year, were disposed of. It is satisfactory to note that the disposals have increased and kept pace with the institutions. The percentage of ordinary suits disposed of after contest was 35·7 as against 34·3 in the previous year. Out of the suits disposed of without contest, exparte disposals amounted to 67·4 per cent as against 68 per cent in 1929-30.

The general average duration of both ordinary and small cause suits disposed of during the year was 175·7 days against 177·2 in the previous year, but the average duration of contested suits rose from 485·1 to 493 days. The increase being noticeable particularly in the Courts of Subordinate Judges and Small Cause Courts.

The number of suits pending at the close of the year under review was 18,569 as against 19,178 at the end of the previous year. The largest number of suits pending was in the Closepet Munsiff's Court. With a view to give relief to this Court, the Magadi Taluk has been removed from its jurisdiction and given to the Second Munsiff, Bangalore. The question of relieving congestion in the Shimoga Munsiff's Court which has also a large accumulation of work is understood to be engaging the attention of the High Court.

Government are glad to note that old suits are receiving special attention and that circular instructions have been issued emphasising the need for the prompt disposal of long pending cases and also of commercial suits. It is observed, however, that there are still some old suits pending from 1920-21, and it is hoped that these will receive special attention and will be disposed of as early as possible.

Execution of Decrees.—Out of 74,378 execution applications for disposal 44,335 (against 45,348 in the previous year) were disposed of leaving 30,043 pending. The percentage of applications that proved wholly infructuous rose from 58·5 to 59·8, those in the Bangalore and Shimoga Divisions being as high as 61·5 and 60·8 respectively.

Appellate Work of Subordinate Courts.—Including 1238 appeals pending from the previous year, there were for disposal 2353 regular appeals in all as against 2097 in the previous year. Of these 838 against 859 were disposed of, 373 in the Courts of District Judges including the temporary Additional District Judge, and 465 in those of Subordinate Judges and Additional Subordinate Judges. The temporary Additional District Judge's Court, Bangalore, which began work from 15th October 1930 has helped to reduce to some extent the congested file of the District Court, Bangalore. Owing to the preponderance of criminal work in this division the District Judge,

Bangalore, was able to set apart only 57 days for civil work as against 162 days for criminal work. The average duration of regular appeals disposed of in the Courts of District Judges rose from 273·25 days to 384 days, while that in the Courts of Subordinate Judges was 505·4 days against 558 in the previous year. The rise in the average duration is due to the disposal of older appeals. Owing to increased institutions, the pendency has increased from 1238 to 1515. The rise is marked in the Mysore Division where the number of pending appeals increased from 397 to 606. This calls for urgent attention and every effort must be made to reduce the pendency. The expediency of referring certain civil appeals of the Mysore Division to the First Class Magistrate, Hassan, may be considered in this connection.

High Court, First Appeals.—Including 306 appeals pending from the previous year and one refiled, there were for disposal 372 first appeals, as against 481 in the previous year. Of these 140, as against 175 in the previous year, were disposed of leaving 232 pending at the end of the year. The average duration of first appeals disposed of was 1173·12 days as against 1024·33 days in the previous year. The high duration was due to the disposal of old appeals including 100 appeals which were more than three years old. The number of pending first appeals has been gradually reduced from 857 at the beginning of the year 1927-28.

Second Appeals.—Including 259 second appeals pending from the previous year and one refiled, there were for disposal 486 second appeals as against 415 in the previous year. Of these 149 were disposed of against 156 in the previous year leaving 337 pending at the end of the year. The average duration of second appeals disposed of was 404·57 days as against 284·62 in the year 1929-30. This rise is accounted for by the fact that of the disposals, 53 per cent were old cases while the corresponding figure for the previous year was 27 per cent.

Inspection.—All the Subordinate Civil Courts were inspected by the Judges of the High Court except the Munsiffs' Courts at Madhugiri, Hole-Narsipur and Hassan, which were inspected by the District Judges concerned. The inspection work of the District Judges was also satisfactory.

Combination of Civil, Judicial and Magisterial Functions.—The Munsiffs of Hole-Narsipur and Narasimharajapura, and the Second Munsiff of Mysore have been invested with Second Class Magisterial powers, and the Munsiff of Dodballapur recently with First Class powers (from 1st August 1931). The system is reported to be working fairly well. The First Magistrates at Kolar and Chitaldrug have been appointed as Additional Sub-Judges, and Civil appeals are being heard by them, and this system also has been found to work satisfactorily.

Agriculturists Relief Regulation.—The number of cases in which relief was sought under the Regulation since its introduction was 39 in the Manjarabad Taluk, 216 in Sagar Taluk and 28 in Koppa. The number of cases in which the claim was allowed, were 14,141 and 4, respectively. But opinion is divided as to how far the benefits of the Regulation have reached those agriculturists who are really in need of relief, and it would seem that some more time is necessary before any definite opinion can be formed as to its working. While granting concessions to debtors under the Regulation by way of payment of instalments, the interest of the creditors also requires to be safeguarded and the question of providing suitable safeguards is engaging the attention of the High Court.

Government are pleased to note that the Administration of Civil Justice during the year was satisfactory. The increased out-turn of work and the systematic attempts made to dispose of old cases are particularly gratifying.

N. MADHAVA RAO,
Chief Secretary to Government.